

FILED - LN

March 2, 2020 3:36 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: clw / SCANNED BY: JB

3/3/2020

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGANDavid Eugene Voelkert, MDOC #467972

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

v. Muskegon County Jail**1:20-cv-185**Paul L. Maloney, United States District Judge
Sally J. Berens, US Magistrate Judge

(Enter above the full name of the defendant or defendants in this action.)

COMPLAINT**I. Previous Lawsuits**

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$400.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.
1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

 2. Is the action still pending? Yes ☐ No ☐
 - a. If your answer was no, state precisely how the action was resolved: _____
 3. Did you appeal the decision? Yes ☐ No ☐
 4. Is the appeal still pending? Yes ☐ No ☐
 - a. If not pending, what was the decision on appeal? _____
 5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

If so, explain: _____

II. Place of Present Confinement Saginaw Correctional Facility; 9625 Pierce Rd.; Freeport, MI 48623

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

Muskegon County Jail; 25 W. Walton Ave.; Muskegon, MI 49442

III. Parties**A. Plaintiff(s)**

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff David Eugene Voelkert

Address 9625 Pierce Rd; Freeland, MI 48623

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Muskegon County Jail

Position or Title _____

Place of Employment _____

Address 25 W. Walton Ave.; Muskegon, MI 48623

Official and/or personal capacity? Official and Personal Capacity

Name of Defendant #2 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #3 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #4 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #5 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

I was involved in an accident at work in 2017 where a drill damaged bone in my mouth and my teeth. I had dental work paid for by worker's comp insurance in 2017. I was to have follow-up work done on 2/28/18 but I was incarcerated 2/22/18. I had informed the jail but they had ignored me. On 3/30/18 I had asked my judge if I could get my dental work done and he allowed such. (Please see exhibit "A") The jail still refused to allow me to be seen even though I was in pain they would just ignore me. I was also in an altercation at the jail and even with a mouth full of blood, the jail refused to get me treatment. I filed a grievance at the end of May, 2018, but it was ignored. I went to the MDRC 6/1/18 and I sought relief from my pain, but I had to wait to get to my final prison. I put in two medical kits (See Exhibit "B") seeking relief for my pain and I was finally seen 8/3/18 and the dentist had to remove bone fragments that were causing me pain, they also addressed the laceration that I'd received in jail. (See Exhibit "C.") I sent a kit to the dentist on 8/9/18 because my pain was finally gone due to their actions. (See Exhibit "D") I made up a letter to the jail on 12/4/18 asking to get my dental work done but two were returned to me (See Exhibit "E") but they finally kept my 3rd one sent on 6/28/19, (See Exhibit "F") to no avail. The jail had ignored my letter and I'm still in need of dental work as I'm still missing teeth due to the accident. I've spent many months without my teeth and about 4 months in extreme pain due to lack of medical care that at the time the jail wouldn't have had to pay for. Please note at this time the insurance company has closed its claim and my teeth have to be fixed out of pocket, thus the reason for this lawsuit.

V. Relief

State briefly and precisely what you want the court to do for you.

I need to have my dental work completed at the cost of \$18,348⁰⁰ plus the cost of MDOC to transport me, court costs, and pain & suffering for the 4 months of pain and 2 years without my teeth totaling \$10,000, plus any other relief so just in this matter. Grand total is yet to be determined of the cost of MDOC transporting me to West Shore OMS in Norton Shores, MI. This will include multiple trips as they'll need to address any additional decay over the years. (See Exhibit "G")

24 Feb. '20

Date

David Voelker #467972

Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

David E. Voeltkert #467972
Saginaw Correctional Facility
Veteran's Unit
9625 Pierce Road
Freeland, MI 48623

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RE: New Case



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